

MAR. 31. 2006 4:26PM

PABST PATENT GROUP

NO. 7477 P. 4

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jack L. Arbiser

Serial No.: 09/765,491

Art Unit: 1617

Filed: January 18, 2001

Examiner: Jennifer M. Kim

For: CURCUMIN AND CURCUMINOID INHIBITION OF ANGIOGENESIS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION FOR REFUND OF FEES PAID IN EXCESS

Sir:

Pursuant to 37 C.F.R. §1.26, Applicants hereby Petition for Refund of excess Extension of Time Fees charged in connection with the above-referenced application. Applicants filed a Notice of Appeal on August 20, 2005 with a petition for a two-month extension of time and authorized the Commissioner to charge \$475.00, which is the sum of the fee for a Notice of Appeal (\$250.00) and a two-month extension of time (\$225.00) for a small entity, to Deposit Account No. 50-3129. Applicants filed an Appeal Brief with a petition for a one month-extension of time on November 30, 2005, and authorized the Commissioner to charge \$310.00, which is the sum of an Appeal Brief (\$250.00) and a one month extension (\$60.00) of time for a small entity (\$60.00), to Deposit Account No. 50-3129.

Deposit Account No. 50-3129 was charged \$250.00 on December 19, 2005, which is a correct charge.

45065418v1

1

BU 98055 CON
077113/0004

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PABST PATENT GROUP

NO. 7477 P. 5

U.S.S.N. 09/765,491

Filed: January 18, 2001

PETITION FOR REFUND OF FEES PAID IN EXCESS

Deposit Account No. 50-3129 was charged \$250.00 and \$795.00 on March 21, 2006. These charges are incorrect and should be immediately refunded. The \$795.00 is the fee for a four-month extension of time. This is due to an erroneous conclusion by the Examiner that the Appeal Brief filed on November 30, 2005 did not comply with 37 CFR 47.37(c).

A review of PAIR establishes that the Appeal Brief was properly filed with the Appendices on November 30, 2005, as acknowledged by the Examiner. The Examiner only looked at one entry (which included the body of the Appeal Brief) and not the second (which included the Appendices). The Examiner was timely advised of this error but charged the Deposit Order Account anyway. Applicants should not be penalized for the Examiner's error.

On March 3, 2006, the Examiner mailed an Office Communication, indicating that the Appeal Brief filed on November 30, 2005 was defective for failure to meet the rules set forth under 37 C.F.R. 47.37(c). The Examiner noted that the Evidence Appendix and the Related Proceedings Appendix were missing from the Appeal Brief.

In a telephone conversation with the Examiner on March 31, 2006, Applicants' representative pointed out to the Examiner that the pages scanned in on November 30, 2005 and available for viewing using Private PAIR, contained the complete Appeal Brief, including the Evidence Appendix and Related Proceedings Appendix. However, the Evidence Appendix and Related Proceedings Appendix were located in a separate PDF file from the PDF file containing the remainder of the Appeal Brief. The PDF File entitled "Appeal Brief Filed" contained 20 pages of the Appeal Brief, and the PDF file entitled "Transmittal to TC" contained 4 pages including the Evidence Appendix, the Related Proceedings Appendix, and the Table of Contents

45065418v1

2

EU 98055 CON
077113/0004

U.S.S.N. 09/765,491

Filed: January 18, 2001

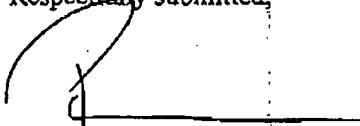
PETITION FOR REFUND OF FEES PAID IN EXCESS

(pages 21-23 of the Appeal Brief). During the call on March 31, 2006, the Examiner acknowledged that she had only reviewed the PDF file entitled "Appeal Brief Filed" with a page count of 20, and the filing on November 30, 2005 contained a complete Appeal Brief in accordance with 37 CFR 47.37(c).

For all of the reason set forth above, Applicants submit that the Appeal Brief as originally filed, was filed in accordance with 37 C.F.R. 47.37(c), and the excess Extension of Time fees should be refunded.

It is believed that no fee is required with this submission. However, should a fee be required, the Commissioner is hereby authorized to charge the fee to Deposit Account No. 50-3129.

Respectfully submitted,



Patricia L. Pabst
Reg. No. 31,284

Date: March 31, 2006
PABST PATENT GROUP LLP
400 Colony Square, Suite 1200
1201 Peachtree Street
Atlanta, Georgia 30361
(404) 879-2151
(404) 879-2160 (Facsimile)

MAR. 31. 2006 4:26PM PABST PATENT GROUP

NO. 7477 P. 7

P. 1

* * * COMMUNICATION RESULT REPORT (NOV. 30. 2005 10:07PM) * * *

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TRANSMITTED/STORED : NOV. 30. 2005 10:06PM	FILE MODE	OPTION	ADDRESS	RESULT	PAGE
6235 MEMORY TX			USPTO	OK	2/2
REASON FOR ERROR			E-2} BUSY		
E-3} HANG UP OR LINE FAIL			E-2} NO FACSIMILE CONNECTION		

PABST PATENT GROUP 

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400 Colony Square, Suite 1200
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Telephone (404) 879-2150
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information@pabstpatent.com
www.pabstpatent.com

TELEFAX

Date: November 30, 2005

Total pages: Sent in 3 parts: 1st part 24 pages; 2nd part 51 pages;
(including cover sheet) 3rd part 2 pages

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Telephone: Telefax: 571-273-8300

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Telephone: 404-879-2151 Telefax: 404-879-2180

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jack L. Arbiser

Serial No.: 09/765,491

Art Unit: 1617

Filed: January 18, 2001

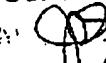
Examiner: J. Kim

For: CURCUMIN AND CURCUMINOID INHIBITION OF ANGIOGENESIS

Attached Items:

Transmittal Form PTO/SB/21; Fee Transmittal PTO/SB/17; Appeal Brief and Petition for Extension of Time.

Docketed for: _____

B. 
D.  11/30/05

165062457.12

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NO. 7477 P. 8

P. 1

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jack L. Arbiser

Serial No.: 09/765,491

Art Unit: 1617

Filed: January 18, 2001

Examiner: J. Kim

For: CURCUMIN AND CURCUMINOID INHIBITION OF ANGIOGENESIS

Attached Items:

Transmittal Form PTO/SB/21; Fee Transmittal PTO/SB/17; Appeal Brief and Petition for Extension of Time.

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NO. 7477 P. 9

P. 1

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Date: November 30, 2005
To: US PTO
From: Patrea L. Pabst
Our Docket No. EU 98055 CON
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Total pages: 25 + 30
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jack L. Arbiser

Serial No.: 09/765,491

Art Unit: 1617

Filed: January 18, 2001

Examiner: J. Kim

For: CURCUMIN AND CURCUMINOID INHIBITION OF ANGIOGENESIS

Attached Items:

Transmittal Form PTO/SB/21; Fee Transmittal PTO/SB/17; Appeal Brief and Petition for Extension of Time.

(48062437.1)

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NO. 7477 P. 10

P. 1

* * * COMMUNICATION RESULT REPORT (MAR. 1. 2006 7:13PM) * * *

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E-3) NO ANSWERE-2) BUSY
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MESSAGE:**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Jack L. Arbiser	
Serial No.: 09/765,491	Art Unit: 1617
Filed: January 18, 2001	Examiner: J. Kim
For: CURCUMIN AND CURCUMINOID INHIBITION OF ANGIOGENESIS	

Attached Items:

Transmittal Form PTO/SB/21; Fee Transmittal PTO/SB/17; Response and copy of Appeal Brief with references

Docketed for _____

(45084860.1)

PAGE 10/10 * RCVD AT 3/31/2006 4:28:23 PM [Eastern Standard Time] * SVR:USPTO-EFXRF-2/14 * DNIS:2738300 * CSID: * DURATION (mm:ss):03:16

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Applicant: Jack L. Arbiser

Serial No.: 09/765,491 Art Unit: 1617

Filed: January 18, 2001 Examiner: Jennifer M. Kim

For: CURCUMIN AND CURCUMINOID INHIBITION OF ANGIOGENESIS

Attachments:

Transmittal Form PTO/SB/21

Fee Transmittal Form PTO/SB/17

Petition for Refund of Fees Paid in Excess

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NO. 7477 P. 2

PTO/SB/21 (09-04)

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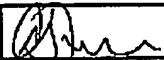
Application Number	09/765,491
Filing Date	January 18, 2001
First Named Inventor	Jack L. Arbiser
Art Unit	1617
Examiner Name	Jennifer M. Kim
	MAR 31 2006
Attorney Docket Number	EU 98055 CON

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition for Refund of Fees Paid in Excess <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <p>Three (3) pages of facsimile transmission confirmation dated November 30, 2005 and One (1) page of facsimile transmission confirmation dated March 1, 2006</p>
Remarks		
<p>Pabst Patent Group LLP</p> 		
<p>Patreia L. Pabst</p>		
Date	March 31, 2006	Reg. No. 31,284

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Carla Stone

Date

March 31, 2006

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Fees pursuant to the Consolidated Appropriations Act, 2005 (P.L. 4818).

FEE TRANSMITTAL

For FY 2006

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT

(\$)

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Complete if Known

Application Number	09/765,491	RECEIVED
Filing Date	January 18, 2001	
First Named Inventor	Jack L. Arbiser	CENTRAL FAX CENTER
Examiner Name	Jennifer M. Kim	
Art Unit	1617	MAR 31 2006
Attorney Docket No.	EU 98055 CON	

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1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fees Paid (\$)
Utility	300	150	500	250	200	100	_____
Design	200	100	100	50	130	65	_____
Plant	200	100	300	150	160	80	_____
Reissue	300	150	500	250	600	300	_____
Provisional	200	100	0	0	0	0	_____

2. EXCESS CLAIM FEES

Fee Description

Each claim over 20 (including Reissues)

Small Entity

Fee (\$)

50 25

Each independent claim over 3 (including Reissues)

200 100

Multiple dependent claims

360 180

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
- 20 or HP =	x	=	

Multiple Dependent Claims	Fee (\$)	Fee Paid (\$)
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HP = highest number of total claims paid for, if greater than 20.

Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
- 3 or HP =	x	=	

HP = highest number of independent claims paid for, if greater than 3.

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
- 100 =	/ 50 =	(round up to a whole number) : x	=	

4. OTHER FEES(S)

Non-English Specification \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): _____

Fee Paid (\$)

SUBMITTED BY		Registration No. (Attorney/Agent)	Telephone
Signature		31,284	404-879-2151
Name (Print/Type)	Patrell L. Pabst	Date March 31, 2006	

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